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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,994	03/25/2004	Walter A. Handzlik	1063-00010	7743
26753	7590	06/16/2006	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP			OKEZIE, ESTHER O	
100 EAST WISCONSIN AVENUE, SUITE 1100			ART UNIT	
MILWAUKEE, WI 53202			PAPER NUMBER	

3652

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,994	<b>Applicant(s)</b> HANDZLIK, WALTER A.	
	<b>Examiner</b> Esther O. Okezie	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on 3/24/06 and the remarks presented therewith have carefully considered. Applicant's arguments with respect to claims 23-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,878,704 Jacanin, Jr. et al in view of US 4,910,893 Asay, and further in view of US 2,538,654 Peterson.
2. Re claim 23 and 26, Jacanin, Jr. et al discloses convertible snow clearing apparatus comprising: a first shovel blade (22a) having an upper edge portion, a lower edge portion, and opposite substantially parallel side edge portions; a first elongated handle (32) coupled to and projecting from the first shovel blade in a direction substantially parallel to said side edge portions; a second shovel blade (22b) having an upper edge portion, a lower edge portion, and opposite substantially parallel side edge

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portions; a second elongated handle (32) coupled to and projecting from the second shovel blade in a direction substantially parallel to said side edge portions;

Jacanan Jr. et al. discloses a convertible shovel with first and second (22a and 22b) substantially planar shovel blades connected by cross brace (24) and bolts (70). Jacanan Jr. et al. does not disclose male and female connection parts disposed between said upper and lower edge portions and along a side edge portion of the shovel blades, and the connection parts extending longitudinally in a direction substantially parallel to the side edge portion of the shovel blade and disposed on the shovel blades for connection. Asay discloses at least one male connection part (pins 48) disposed between said upper and lower edge portions and along a side edge portion of the first shovel blade, and said male connection and at least one female connection part (sleeves 49) disposed between said upper and lower edge portions and along a side edge portion of the second shovel blade, wherein the at least one female connection part is sized and shaped to receive the at least one male connection part to releasably couple. It would have been obvious to one of ordinary skill at the time of the invention to modify the connectable shovels of Jacanan Jr. et al. to include female and male connection parts as taught by Asay because this type of connection would reduce the number of parts needed and provide an easier connection that can be assembled quickly.

The combination of Jacanan Jr. et al. and Asay does not disclose a connection including male and female parts extending longitudinally in a direction substantially parallel to the side edge portion of each shovel blade. Peterson discloses an

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interchangeable household tool including an applicator holder which may be used to mount any one of a select group of work elements. The applicator includes male connection part (13) extending longitudinally in a direction substantially parallel to the edge of the broom and a female connection part (14) disposed at the distal edge of the handle (12) for releasable coupling. It would have been obvious to one of ordinary skill at the time of the invention to modify the connectable shovels of Jacanin Jr. et al. to include male and female parts extending longitudinally in a direction substantially parallel to the side edge portions as taught by Peterson to provide a connection that "may be easily but yet securely positioned" and connected by the transmission of pressure of a gripping member onto a receiving projection (Peterson: col. 1, lines 20-40).

3. Re claims 24 and 27, Jacanin Jr. et al. disclose a hand grip (34) on each handle disposed at a location distal from the first and second shovel blades.

4. Re claims 25 and 28, The combination of Jacanin Jr. et al. and Asay does not disclose the male connection part comprises a longitudinal extending post disposed along the edge portion of the first shovel blade and the female connection part (32) comprises a longitudinal extending slotted tube disposed along the edge portion of the second shovel blade. Peterson discloses an interchangeable household tool including an applicator holder which may be used to mount any one of a select group of work elements. The applicator includes a post (13) extending longitudinally in a direction substantially parallel to the edge of the broom and a slotted tube (14) disposed at the distal edge of the handle (12) for releasable coupling. It would have been obvious to

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one of ordinary skill at the time of the invention to modify the connectable shovels of Jacanin Jr. et al. to include a post and a slotted tube extending longitudinally in a direction substantially parallel to the side edge portions as taught by Peterson to provide a connection that "may be easily but yet securely positioned" and connected by the transmission of pressure of a gripping member onto a receiving projection (Peterson: col. 1, lines 20-40).

### ***Response to Arguments***

Applicant's arguments with respect to claims 23-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EOO 6/7/06



**EILEEN D. LILLIS**  
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